



1009373

MEMORANDUM

Date: October 18, 1994
Subject: Preliminary Financial Review for RMI Titanium Company
From: Julianne Socha *JS*
To: John Luksis

Attached please find financial information submitted by RMI Titanium in response to an August 10, 1994 conference call and an August 12, 1994 letter requesting additional financial information. Also attached is a copy of a phone record documenting a conversation between Tim Rupert, Chief Financial Officer of RMI, and myself. RMI did not want to provide a written response to each of the items in the August 12, 1994 letter. In lieu of a written response addressing each item Tim Rupert discussed the requested items during a August 23, 1994 telephone conversation. The phone record provides a summary of the August 23, 1994 discussion. Some of the aforementioned information may have already been forwarded to you, if so, please pardon the duplication.

Monica Hogan of the OEPA has been forwarded the same information. Monica is performing a review of the financial information supplied by RMI. I am requesting that you perform a preliminary review of the information attached just as you did in order to participate in the August 10, 1994 conference call. Should you have any questions regarding Monica's review I suggest you contact Monica directly at 614-644-2975. Should you have any other questions feel free to contact myself or Andy Warren at 6-4436 or 3-5485, respectively.

Andy would like to hold a conference call with RMI before the end of October to discuss our review of the attached information. As previously mentioned, Monica is performing a detailed review of the information however, any additional review, comments, or concerns you can provide would be helpful and appreciated. Once again Andy and I would like you to participate in the conference call with RMI and a pre-conference call with Monica. I will be in touch concerning potential conference call dates.

bcc: Uylaine McMahan

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Attachments: August 23, 1994 Telephone Conversation Record/Tim Rupert, RMI and
Julianne Socha, USEPA
August 23, 1994 letter to Julianne Socha, USEPA, from Tim Rupert,
RMI
August 12, 1994 cover letter from Tim Rupert, RMI, to Julianne
Socha, USEPA transmitting Securities & Exchange Commission
Form 10-Q and Prospectus



TIMOTHY G. RUPERT
SENIOR VICE PRESIDENT AND
CHIEF FINANCIAL OFFICER

RECEIVED
AUG 26 1994

OFFICE OF RCRA
Waste Management Division
U.S. EPA, REGION V

P.O. BOX 269
1000 WARREN AVENUE
NILES, OHIO 44446-0269
216/544-7700
FAX 216/544-7701

August 23, 1994

Ms. Julianne C. Socha, Environmental Engineer
Technical Enforcement Section 1
RCRA Enforcement Branch
United States Environmental Protection Agency
Region 5
77 West Jackson Boulevard
Chicago, IL 60604-3590

Dear Ms. Socha:

Enclosed is the comparative financial information on the U.S. titanium industry that we discussed. While there are other smaller companies in the industry, the three included - RMI, Oremet and Timet - are the only ones for which public data is available and together they represent 80% of the industry.

You will note in all three cases substantial losses, weakening financial condition and declining ratios reflecting the dramatic downturn in our industry.

More importantly, I would ask you to note two things regarding RMI, as I believe they bear most directly on the question of RMI's ability to pay EPA fines at this time.

First, RMI's primary concern, as with any company, must be its liquidity, the ability to meet its obligations on a timely basis either from cash on hand or from available credit facilities. Due to conditions in the titanium industry, RMI has not been able to recover from the marketplace the cost of producing its products. The difference has been increasingly borrowed from its banks. RMI's ability to borrow has, therefore, been its lifeblood for the past two and one-half years. At June 30, 1994 RMI had \$68 million outstanding against its credit line of \$75 million. In other words, it had \$7 million of borrowing power left to support its operations. A \$1.4 million fine by the EPA, which would have to be borrowed, would reduce this amount by 20%, a very harsh penalty in our opinion.

Secondly, RMI has a minimum net worth covenant in its bank credit agreement which is fully disclosed in the rights offering prospectus which I sent to you. The net effect of this covenant is to limit the amount of money RMI can lose each quarter for the life of



Ms. Julianne C. Socha
August 23, 1994
Page 2

the agreement. These limits are very restrictive. They are set at little more than what RMI will lose in its operations and already incorporate expected earnings' improvements in RMI's aerospace and oil and gas markets. A substantial fine from EPA at this time could easily put RMI in default on its loan. In that instance, the banks could refuse further borrowing and call the loan. The point was made in our conference call earlier this month that the banks would not necessarily have to take that action. That is true. There is no way to know what the banks would do. We do know, however, that loans made by the banks to fund operations, carry with them the expectation that they will contribute to improving the company's financial health, thereby securing repayment of their loan. The same cannot be said of money borrowed for the payment of fines. In the latest amendment to our credit agreement, the banks have fully secured their position by tying amounts borrowed to the value of assets in which they have a security interest (i.e., could seize and sell to recover their loan). Clearly, the banks would prefer to see RMI continue and prosper, but its not their only way out.

The six month financial statements dated June 30, 1994 are the latest available. Since that date, RMI has continued to generate losses at about \$1 million per month. The only significant change since then is the rights offering discussed in our earlier call. RMI offered additional shares of stock in the company to existing shareholders, in order to raise capital to fund new business opportunities that RMI is developing. \$27.6 million in gross proceeds was raised and, net of expenses once known, will be reflected in RMI equity. As required by the new credit agreement, the cash is "parked" with our banks until contracts are in place and the money is invested in material and other project working capital. While this new equity will strengthen RMI's balance sheet, it will do little to address the two concerns I've raised above. As described in the prospectus I've sent to you, we sold these securities for a specific purpose. We now have a duty to our shareholders to use their money for that purpose. To the extent that we don't, we not only violate their trust, but impair the development of the new markets we are counting on to turn the company around. Given RMI's efforts to be a good corporate citizen, particularly regarding environmental matters, I think it would be particularly sad, if we had to do so to pay a fine for three year old technical violations at a facility that is no longer operating. Wouldn't the money be better spent on closure of the plants?

Very truly yours,

A handwritten signature in blue ink, appearing to read "T. G. Rupert", written over a horizontal line.

T. G. Rupert
Senior Vice President and
Chief Financial Officer

Enc.
/41/epadraft

RMI vs. Other Public Titanium Companies
Selected Financial Information

6 months 1994

\$ millions

| | RMI | Tremont* | Oremet | RMI After \$1.4 mill EPA Fine |
|-----------------------|-------|----------|--------|-------------------------------------|
| | ----- | ----- | ----- | ----- |
| Income: | | | | |
| Sales | 71.7 | 78.4 | 27.8 | 71.7 |
| Operating Income | -4.2 | -6.1 | -2.6 | -5.6 |
| Interest | -1.7 | -2.5 | | -1.7 |
| All Other | -1.2 | -4.6 | 0.9 | -1.2 |
| Net Income | -7.1 | -13.2 | -1.7 | -8.5 |
| Balance Sheet: | | | | |
| Cash | 0.3 | 14.6 | 7.0 | 0.3 |
| Accounts Rec | 26.1 | 39.6 | 13.9 | 26.1 |
| Inventory | 62.2 | 50.0 | 24.7 | 62.2 |
| Current Assets | 90.1 | 108.6 | 47.8 | 90.1 |
| PP&E | 52.0 | 145.3 | 34.2 | 52.0 |
| Total Assets | 151.3 | 311.5 | 82.3 | 151.3 |
| Accounts Pay | 15.4 | 45.1 | 4.7 | 15.4 |
| Current Liab. | 26.1 | 52.2 | 10.9 | 26.1 |
| LTD | 68.0 | 54.0 | 1.1 | 69.4 |
| Total Liabilities | 130.3 | 204.7 | 15.8 | 131.6 |
| Equity | 20.9 | 106.8 | 66.5 | 19.6 |
| Ratios: | | | | |
| Quick (C+AR/CL) | 1.0 | 1.0 | 1.9 | 1.0 |
| Current (CA/CL) | 3.5 | 2.1 | 4.4 | 3.5 |
| Leverage(Eqty/LTD) | 0.3 | 2.0 | 60.5 | 0.3 |
| Interest Coverage | N.A. | N.A. | N.A. | N.A. |

RMI vs. Other Public Titanium Companies
Selected Financial Information

6 months 1994

\$ millions

| | <u>RMI</u> | <u>Tremont*</u> | <u>Oremet</u> | <u>RMI After \$1.3 mill EPA Fine</u> |
|-------------------|------------|-----------------|---------------|--|
| Cash Flow: | | | | |
| Operations: | | | | |
| Net Income | -7.1 | -13.2 | -1.7 | -8.4 |
| Depreciation | 3.1 | 3.8 | 2.2 | 3.1 |
| Other | 2.2 | 6.0 | -0.9 | 2.2 |
| Operating C/F | -1.8 | -3.4 | -0.4 | -3.1 |
| Working Capital: | | | | |
| Receivables | 3.2 | -1.7 | -3.2 | 3.2 |
| Inventory | -4.7 | 2.7 | 1.1 | -4.7 |
| Payables | 3.6 | -4.0 | 0.9 | 3.6 |
| Other | -1.3 | -0.9 | 1.8 | -1.3 |
| W/C Changes | 0.8 | -3.9 | 0.6 | 0.8 |
| Investing: | | | | |
| Sale of Assets | | | | |
| Capital Spending | -0.2 | -2.6 | -0.2 | -0.2 |
| Joint Ventures | -0.1 | | | -0.1 |
| Other | | 0.2 | 1.2 | |
| Investing | -0.3 | -2.4 | 1.0 | -0.3 |
| Financing: | | | | |
| Debt | 1.3 | 5.4 | -0.6 | 2.6 |
| Stock | | | | |
| Other | | 0.4 | | |
| Financing | 1.3 | 5.8 | -0.6 | 2.6 |
| Change in Cash | 0.0 | -3.9 | 0.6 | 0.0 |

* Tremont is a holding company whose only operating unit is Timet, a titanium manufacturer.

RMI Titanium Company
Selected Financial Information

| \$ millions | 6 months | | | |
|-----------------------|----------|-------|-------|-------|
| | 1994 | 1993 | 1992 | 1991 |
| Income: | | | | |
| Sales | 71.7 | 127.4 | 135.6 | 165.6 |
| Operating Income | -4.2 | -10.8 | -11.4 | -52.7 |
| Interest | -1.7 | -2.7 | -2.7 | -3.5 |
| All Other | -1.2 | -15.4 | | -0.8 |
| Net Income | -7.1 | -28.9 | -14.1 | -57.0 |
| Balance Sheet: | | | | |
| Cash | 0.3 | 0.3 | 0.3 | 1.9 |
| Accounts Rec | 26.1 | 29.9 | 26.8 | 35.5 |
| Inventory | 62.2 | 57.5 | 58.8 | 65.1 |
| Current Assets | 90.1 | 89.3 | 87.4 | 106.4 |
| PP&E | 52.0 | 55.0 | 59.5 | 62.9 |
| Total Assets | 151.3 | 152.5 | 153.3 | 173.9 |
| Accounts Pay | 15.4 | 11.8 | 8.9 | 9.4 |
| Current Liab. | 26.1 | 22.9 | 15.2 | 26.6 |
| LTD | 68.0 | 66.7 | 62.3 | 58.8 |
| Total Liabilities | 130.3 | 124.6 | 90.0 | 96.2 |
| Equity | 20.9 | 27.9 | 63.3 | 77.7 |
| Ratios: | | | | |
| Quick (C+AR/CL) | 1.0 | 1.3 | 1.8 | 1.4 |
| Current (CA/CL) | 3.5 | 3.9 | 5.8 | 4.0 |
| Leverage(Eqty/LTD) | 0.3 | 0.4 | 1.0 | 1.3 |
| Interest Coverage | N.A. | N.A. | N.A. | N.A. |

RMI Titanium Company
Selected Financial Information

| \$ millions | 6 months 1994 | 1993 | 1992 | 1991 |
|-------------------------|------------------|-------------|-------------|------------|
| <hr/> | | | | |
| Cash Flow: | | | | |
| Operations: | | | | |
| Net Income | -7.1 | -28.9 | -14.1 | -57.1 |
| Depreciation | 3.1 | 6.3 | 6.5 | 10.8 |
| Other | 2.2 | 16.4 | 1.8 | 39.4 |
| Operating C/F | -1.8 | -6.2 | -5.8 | -6.9 |
| Working Capital: | | | | |
| Receivables | 3.2 | -3.8 | 8.1 | 8.9 |
| Inventory | -4.7 | 1.3 | 6.3 | 13.9 |
| Payables | 3.6 | 2.9 | -0.5 | -1.7 |
| Other | -1.3 | 1.5 | -10.7 | 0.9 |
| W/C Changes | 0.8 | 1.9 | 3.2 | 22.0 |
| Investing: | | | | |
| Sale of Assets | | 2.1 | 1.8 | 0.2 |
| Capital Spending | -0.2 | -1.0 | -4.2 | -9.0 |
| Joint Ventures | -0.1 | -1.2 | | |
| Other | | | | |
| Investing | -0.3 | -0.1 | -2.4 | -8.8 |
| Financing: | | | | |
| Debt | 1.3 | 4.3 | 3.5 | -2.6 |
| Stock | | | -0.1 | -1.1 |
| Other | | | | -1.1 |
| Financing | 1.3 | 4.3 | 3.4 | -4.8 |
| Change in Cash | 0.0 | -0.1 | -1.6 | 1.5 |

Tremont *

Selected Financial Information

| \$ millions | 6 months 1994 | 1993 | 1992 | 1991 |
|-----------------------|------------------|-------|-------|-------|
| Income: | | | | |
| Sales | 78.4 | 161.9 | 150.5 | 161.7 |
| Operating Income | -6.1 | -12.4 | -21.6 | 3.8 |
| Interest | -2.1 | -4.3 | -3.7 | -3.8 |
| All Other | -5.0 | -40.9 | -40.3 | -1.5 |
| Net Income | -13.2 | -57.6 | -65.6 | -1.5 |
| Balance Sheet: | | | | |
| Cash | 14.6 | 20.3 | 14.7 | 50.6 |
| Accounts Rec | 39.6 | 37.4 | 36.0 | 34.7 |
| Inventory | 50.0 | 52.6 | 57.3 | 59.8 |
| Current Assets | 108.6 | 114.0 | 114.6 | 152.5 |
| PP&E | 145.3 | 147.3 | 139.6 | 71.4 |
| Total Assets | 311.5 | 323.2 | 398.3 | 343.6 |
| Accounts Pay | 46.9 | 48.4 | 40.7 | 31.0 |
| Current Liab. | 52.2 | 66.0 | 52.4 | 39.1 |
| LTD | 54.0 | 43.5 | 124.0 | 64.6 |
| Total Liabilities | 204.7 | 204.8 | 249.0 | 121.5 |
| Equity | 106.8 | 118.4 | 149.3 | 222.1 |
| Ratios: | | | | |
| Quick (C+AR/CL) | 1.0 | 0.9 | 1.0 | 2.2 |
| Current (CA/CL) | 2.1 | 1.7 | 2.2 | 3.9 |
| Leverage(Eqty/LTD) | 2.0 | 2.7 | 1.2 | 3.4 |
| Interest Coverage | N.A. | N.A. | N.A. | N.A. |

Tremont ***Selected Financial Information**

| \$ millions | 6 months 1994 | 1993 | 1992 | 1991 |
|-------------------|------------------|-------|-------|--------|
| Cash Flow: | | | | |
| Operations: | | | | |
| Net Income | -13.2 | -57.6 | -65.6 | -1.5 |
| Depreciation | 3.8 | 4.6 | 3.2 | 2.7 |
| Other | 6.0 | 44.6 | 53.4 | 7.2 |
| Operating C/F | -3.4 | -8.4 | -9.0 | 8.4 |
| Working Capital: | | | | |
| Receivables | -1.7 | -0.6 | -4.1 | 15.5 |
| Inventory | 2.7 | 4.6 | 5.5 | 6.5 |
| Payables | -4.0 | 8.1 | 5.8 | -4.7 |
| Other | -0.9 | -2.2 | -2.0 | -0.9 |
| W/C Changes | -3.9 | 9.9 | 5.2 | 16.4 |
| Investing: | | | | |
| Sale of Assets | | 25.7 | | |
| Capital Spending | -2.6 | -16.3 | -67.7 | -30.3 |
| Joint Ventures | | | -4.3 | -1.4 |
| Other | 0.2 | -6.2 | 9.8 | -111.6 |
| Investing | -2.4 | 3.2 | -62.2 | -143.3 |
| Financing: | | | | |
| Debt | 5.4 | -5.3 | 55.1 | 19.0 |
| Stock | | | -5.1 | -3.7 |
| Other | 0.4 | -0.3 | 0.1 | -3.2 |
| Financing | 5.8 | -5.6 | 50.1 | 12.1 |
| Change in Cash | -3.9 | -0.9 | -15.9 | -106.4 |

* Tremont is a holding company whose only operating unit is Timet, a titanium manufacturer.

Oremet

Selected Financial Information

| \$ millions | 6 months 1994 | 1993 | 1992 | 1991 |
|-----------------------|------------------|------|------|------|
| Income: | | | | |
| Sales | 27.8 | 55.4 | 56.8 | 54.2 |
| Operating Income | -2.6 | -6.2 | -5.9 | -8.5 |
| Interest | | 0.3 | 0.3 | 0.7 |
| All Other | 0.9 | 1.8 | 1.4 | 3.1 |
| Net Income | -1.7 | -4.1 | -4.2 | -4.7 |
| Balance Sheet: | | | | |
| Cash | 7.0 | 7.7 | 8.9 | 3.6 |
| Accounts Rec | 13.9 | 10.7 | 7.5 | 8.4 |
| Inventory | 24.7 | 25.9 | 24.9 | 29.2 |
| Current Assets | 47.8 | 46.9 | 45.2 | 47.0 |
| PP&E | 34.2 | 36.2 | 39.8 | 39.1 |
| Total Assets | 82.3 | 83.3 | 85.7 | 86.5 |
| Accounts Pay | 4.7 | 3.8 | 2.6 | 3.2 |
| Current Liab. | 10.9 | 10.4 | 7.9 | 7.7 |
| LTD | 1.1 | 1.4 | 4.8 | 5.5 |
| Total Liabilities | 15.8 | 16.2 | 17.3 | 18.1 |
| Equity | 66.5 | 67.1 | 68.4 | 68.4 |
| Ratios: | | | | |
| Quick (C+AR/CL) | 1.9 | 1.8 | 2.1 | 1.6 |
| Current (CA/CL) | 4.4 | 4.5 | 5.7 | 6.1 |
| Leverage(Eqty/LTD) | 60.5 | 47.9 | 14.3 | 12.4 |
| Interest Coverage | N.A. | N.A. | N.A. | N.A. |

Oremet

Selected Financial Information

| \$ millions | 6 months 1994 | 1993 | 1992 | 1991 |
|-------------------------|------------------|-------------|-------------|-------------|
| | ----- | ----- | ----- | ----- |
| Cash Flow: | | | | |
| Operations: | | | | |
| Net Income | -1.7 | -4.1 | -4.2 | -4.7 |
| Depreciation | 2.2 | 3.9 | 3.7 | 3.0 |
| Other | -0.9 | 0.6 | 1.8 | 1.8 |
| Operating C/F | -0.4 | 0.4 | 1.3 | 0.1 |
| Working Capital: | | | | |
| Receivables | -3.2 | -3.1 | 0.9 | 4.4 |
| Inventory | 1.1 | -0.9 | 4.3 | 6.6 |
| Payables | 0.9 | 1.2 | -0.6 | -4.2 |
| Other | 1.8 | 3.2 | 1.6 | -5.9 |
| W/C Changes | 0.6 | 0.4 | 6.2 | 0.9 |
| Investing: | | | | |
| Sale of Assets | | | | |
| Capital Spending | -0.2 | -1.2 | -4.4 | -7.2 |
| Joint Ventures | | | | |
| Other | 1.2 | -0.8 | -6.8 | 4.0 |
| Investing | 1.0 | -2.0 | -11.2 | -3.2 |
| Financing: | | | | |
| Debt | -0.6 | -0.9 | 2.3 | -0.4 |
| Stock | | | | -3.2 |
| Other | | | | |
| Financing | -0.6 | -0.9 | 2.3 | -3.6 |
| Change in Cash | 0.6 | -2.1 | -1.4 | -5.8 |



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

AUG 12 1994

REPLY TO THE ATTENTION OF:

HRE-8J

VIA FACSIMILE
AND CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Timothy G. Rupert
Vice President and Chief Financial Officer
RMI Titanium Company
1000 Warren Avenue
Niles, Ohio 44446

Re: Request for Additional
Financial Information

Dear Mr. Rupert:

I am writing to follow-up on discussions regarding additional financial information held during the August 10, 1994, conference call between representatives of RMI Titanium Company (RMI), the United States Environmental Protection Agency (U.S. EPA), and Monica Hogan of the Ohio Environmental Protection Agency. The following is a list of information which U.S. EPA is anticipating from RMI or items which U.S. EPA would like further explanation:

- Did the one-to-ten reverse stock split referenced in the 1993 Annual Report occur? If so, when? Did this stock split generate revenue? If so, how is this revenue allocated?
- Explain specific environmental projects and uses of the following: \$.9 million in 1993, \$.7 million in 1992, \$.7 million in 1991 (see page 15 of 1993 Annual Report).
- What is the allocation of, or how was projection made to develop \$2.9 million accrued amount for future environmental costs (see page 30 of 1993 Annual Report)?
- Specify capital items and compliance costs by project and use related to the approximation of \$2 million for 1994-1995 environmental expenditures (see page 15 of 1993 Annual Report). Provide actual environmental expenditures from January 31, 1994 through July 31, 1994.
- Status of negotiations with financial institutions regarding refinancing and restructuring debt. Provide any supporting documents. How were the following affected by any restructuring or refinancing: expanded borrowing capacity (see page 14 of 1993

Annual Report)?

- Define what are "investments in joint ventures" and how much has been spent for these to date and how much more is allocated (see page 20 of 1993 Annual Report).
- RMI identified during the conference call that RMI's 70% interest in ASHCO, Inc., was sold for book value to SCM. What was the book value for that sale? (See page 6 of 1993 Annual Report.) Did RMI receive any tax credits, financial benefits or losses, or material gains resulting from this sale?
- Have any of the potential cooperative ventures referenced in the 1993 Annual Report been forged since the publication of the 1993 Annual Report (see page 4 of 1993 Annual Report)?
- What is "small royalty income" realized for patents noted on page 5 of the 1993 Annual Report? Have any other patents now started realizing royalty income? How is this revenue allocated?
- Are any facility sales planned or expected in 1994?
- What is the status of the DOE contract for which RMI will serve as the prime contractor during the remediation and restoration of the Extrusion Plant located in Ashtabula, Ohio? Provide a copy of the contract, if available.
- With respect to the existing treasury stock, why has RMI not reissued the stock in order to generate additional funds? Does RMI have any plans to reissue this stock in 1994 or 1995?
- Provide any available financial information of other titanium companies. Provide the source of the information.
- Provide copies of any credit arrangements including the financial covenants.
- Provide the current 1994 financial statements ending June 30, 1994, or July 31, 1994, which include income statements, balance sheets, and a statement of cash flows.
- Provide an estimate for total capital expenditures for the year ending December 31, 1994.
- Provide the current maturity schedule for long-term debt.

Please submit the aforementioned information as available to the United States Environmental Protection Agency, Region V, RCRA Enforcement Branch (HRE-8J), Attention: Julianne Socha, 77 West Jackson Boulevard, Chicago, Illinois 60604. Should you have any questions feel free to contact Andrew Warren or myself at 312-353-5485 or 312-886-4436, respectively.

Sincerely,

Julianne Socha

Julianne C. Socha, Environmental Engineer
Technical Enforcement Section 1
RCRA Enforcement Branch

cc: Andrew Warren, U.S. EPA
Monica Hogan, Ohio Environmental Protection Agency
Philip Schillawski, Squire, Sanders & Dempsey
Richard L. Mason, RMI Titanium Company

bcc: John Luksis, IN/MN/OH EPS

HRE-8J:js:JSocha:6-4436:081094:a:\finance1.rmi

OFFICIAL FILE COPY

Is your RETURN ADDRESS completed on the reverse side?

PS Form 3811, December 1991 *U.S. GPO: 1992-323-402

6. Signature (Agent) *Julianne Socha*

5. Signature *S. Socha*

3. Article

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PO BOX 1049
1800 WATERMARK DRIVE
COLUMBUS OH 43266

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PS Form 3800, June 1991

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.



State of Ohio Environmental Protection Agency

P.O. Box 1049, 1800 WaterMark Dr.
Columbus, Ohio 43266-0149
(614) 644-3020
FAX (614) 644-2329

George V. Voinovich
Governor

Donald R. Schregardus
Director

November 8, 1993

Re: **RMI Metals Reduction Plant**
RMI Sodium Plant
Ashtabula, Ohio
Proposed Findings & Orders

Leslie Bellas, Esquire
Squire, Sanders & Dempsey
Counselors at Law
1201 Pennsylvania Avenue, NW
P.O. Box 407
Washington, DC 20044-0407

Dear Ms. Bellas:

The Ohio Environmental Protection Agency is in receipt of your June 10, 1993 submittal regarding the above-referenced subject. The Ohio EPA has also completed its review of the financial documents that RMI has submitted and has determined that RMI does have the ability to pay the civil penalties that the Ohio EPA has proposed for violations at both the Metals Reduction Plan ("MRP") and the Sodium Plant. Although the Agency has initiated a review of your submittal for both facilities, the remainder of this letter will only respond to the information you submitted with regard to RMI's MRP.

The Ohio EPA disagrees with your position that RMI had authorization under Ohio Revised Code ("ORC") Chapter 3734. to treat the reactive sodium hazardous waste at the MRP via RMI's receipt of an air permit to operate (issued May 4, 1987, Application No. 0204010080N001, expired May 3, 1990) and open burning permission from the Ohio EPA's Division of Air Pollution Control. Although these authorizations were required under ORC Chapter 3704., RMI was still required, in accordance with Section 3734.02(E) of the ORC, to obtain a hazardous waste facility installation and operation permit issued in accordance with Section 3734.05 of the ORC prior to performing treatment of the reactive sodium hazardous waste at the MRP. Since RMI failed to obtain a hazardous waste permit for the MRP, RMI was not permitted to treat the reactive sodium hazardous waste at that facility.



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EPA 1613 (12/85)

P. 02

FAX NO. 6146442329

OHIO EPA

NOV-08-93 MON 11:34

Leslie Bellas, Esquire
Squire, Sanders & Dempsey
November 8, 1993
Page Two

With respect to RMI's claim in proposed Findings 16 and 17 that the MRP is a conditionally exempt small quantity generator and therefore the reactive sodium hazardous waste is exempt from hazardous waste regulation, please be advised that Ohio Administrative Code ("OAC") rule 3745-51-05(G)(3) requires a conditionally exempt small quantity generator to either acquire a Part B permit or receive authorization via division F of Section 3734.02 of the ORC prior to performing on-site treatment of hazardous waste. The Ohio EPA disagrees with RMI's position that the MRP operated as a conditionally exempt small quantity generator. A generator classification is based on the total amount of all of the hazardous waste streams generated at a facility. For a facility to operate as a conditionally exempt small quantity generator, it would have to generate no more than 100 kilograms (or 220 pounds) of hazardous waste per calendar month for the entire facility (OAC rule 3745-51-05[A]). This would compute to the generation of no more than 1,200 kilograms (or 2,640 pounds) of hazardous waste per year.

RMI submitted Generator Annual Hazardous Waste Reports to the Ohio EPA for the MRP facility in 1988, 1989 and 1990. These reports stated that the total of all hazardous waste generated at the MRP facility for the year 1988 was 6,416 pounds, for the year 1989 was over 5,000 pounds and for the year 1990 was 32,689 pounds. Based on the aforementioned, it is apparent that the treatment of the reactive sodium hazardous waste was subject to Ohio hazardous waste facility permit requirements, that RMI was required to amend the contingency plan for the MRP facility to include the reactive sodium hazardous waste and that RMI was also required to have a closure plan for the steaming pad and incinerator where treatment of the reactive sodium hazardous waste occurred.

It should be noted that the reactive sodium hazardous waste was not reported on MRP's 1988 and 1989 Generator Annual Hazardous Waste Report even though the Ohio EPA inspector for the MRP facility during those years has determined that it was being generated. In addition, RMI never submitted a Facility Annual Hazardous Waste Report for the MRP for the years 1988 and 1989 which is required in accordance with OAC rule 3745-52-41(B) when a generator treats hazardous waste on-site.

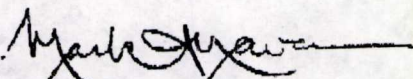
The Ohio EPA has discussed this matter with a BDT, Inc. representative, who stated that BDT, Inc. was unaware of any audit RMI performed of BDT, Inc., and had no record that RMI officials ever made an on-site visit to BDT's Clarence, New York facility. The BDT, Inc. representative also denied that BDT, Inc. intended to incinerate all of the mineral oil and steel wool pads in the drums. The BDT, Inc. representative stated that the procedure BDT planned to follow regarding the MRP's reactive sodium hazardous waste was to separate the sodium pads from the mineral oil, analyze the mineral oil for reactive hazardous waste characteristics and make available to RMI for reuse any mineral oil not possessing reactive hazardous waste characteristics. The BDT, Inc. representative expressly disagrees that BDT was not technically capable of handling the MRP's reactive sodium hazardous waste.

Leslie Bellas, Esquire
Squire, Sanders & Dempsey
November 8, 1993
Page Three

To summarize, the Ohio EPA disagrees with RMI's proposed Findings and Orders for the MRP facility. Moreover, RMI's civil penalty offer of \$3,000.00 for violations which occurred at the MRP facility is not acceptable to the Ohio EPA. The Ohio EPA is willing to meet with RMI to attempt to resolve the basic issues of disagreement regarding the MRP. In the event that progress can be made toward resolution of the issues at the MRP facility, the Ohio EPA remains willing to meet to attempt to resolve the outstanding issues regarding RMI's Sodium Plant.

If RMI is interested in meeting with the Ohio EPA to discuss these matters, please contact me at your earliest convenience to schedule a meeting. Feel free to contact me at (614)644-2115 concerning any questions or comments you may have. I will expect to hear from you regarding RMI's intentions by November 23, 1993. Thank you for your cooperation in this regard.

Sincerely,



Mark Navarre
Supervising Attorney

wp.MN.ds.lcn.bellas

cc: Michael A. Savage, Asst. Chief, DHWM
Pamela S. Allen, Mgr., CM&ES, DHWM
Dave Stroh, Supervisor, CM&ES, DHWM
Harry Courtright, DHWM, NEDO
Frank Popotnik, DHWM, NEDO



State of Ohio Environmental Protection Agency

P.O. Box 1049, 1800 WaterMark Dr.
Columbus, Ohio 43266-0149
(614) 644-3020
FAX (614) 644-2329

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JUN 25 1993

OFFICE OF RCRA
WASTE MANAGEMENT DIVISION
EPA, REGION V

George V. Voinovich
Governor

Donald R. Schregardus
Director

June 21, 1993

Re: **RMI Titanium Company**
OHD000810242/02-04-0584
OHD980683544/02-04-0678

Richard Mason
Director, Environmental Affairs
RMI Titanium Company
P.O. Box 269
1000 Warren Avenue
Niles, Ohio 44446

Dear Mr. Mason:

On June 8, 1993 Ohio EPA conducted a review of the financial assurance documentation on file for the RMI Titanium Company's facilities referenced above. The facilities were evaluated to determine compliance with the financial assurance requirements for closure and liability coverage as specified in Ohio Administrative Code (OAC) rules 3745-55-42 through 3745-55-47 and/or 3745-66-42 through 3745-66-47. In addition, RMI Titanium's Sodium Company (OHD000810242) was evaluated for compliance with financial assurance related permit conditions as set forth in the Part B Hazardous Waste Installation and Operation Permit (Permit Number: 02-04-0584), issued by the Ohio Hazardous Waste Facility Board on June 9, 1988.

The most recent financial assurance documentation submitted to Ohio EPA to demonstrate compliance with the financial assurance requirements includes Financial Test documentation dated March 29 and June 8, 1993. The June 8, 1993 submittal provided the Agency with a detailed closure cost estimate for the Sodium facility, explaining the decrease in the closure cost estimate from \$4,281,800 in 1992 to \$3,445,300 in 1993. This Financial Test is used to demonstrate both closure and liability coverage requirements. In addition, a review of cost estimate information included in a July 31, 1992, submittal to the Agency was conducted to determine compliance with cost estimate requirements and as a follow-up to Ohio EPA's July 1, 1992 Notice of Violation.



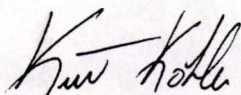
Printed on recycled paper

Richard Mason
Director, Environmental Affairs
RMI Titanium Company
June 21, 1993
Page Two

Review of the documentation submitted July 1, 1992 reveals that the RMI Titanium Company's facilities referenced above have returned to compliance for the 1992 Financial Test review. Therefore, the violations cited in the July 1, 1992 letter have been abated. Furthermore, review of the 1993 Financial Test reveals that it meets the requirements of OAC rules 3745-55-42 through 3745-55-47 and/or 3745-66-42 through 3745-66-47. RMI Titanium Company's Sodium facility is in compliance with the financial assurance related permit conditions as set forth in the Part B Hazardous Waste Installation and Operation Permit.

Should you have any questions, please feel free to call me at (614) 644-2948.

Sincerely,



Kurt Kohler
Compliance Monitoring and Enforcement Section
Division of Hazardous Waste Management

wp.KK.lcn

cc: Laurie Stevenson, CM&ES, DHWM
Dave Stroh, CM&ES, DHWM
Adrienne LaFavre, DHWM, NEDO
Uylaine McMahan, USEPA Region V
Mark Navarre, Legal, CO



State of Ohio Environmental Protection Agency

P.O. Box 1049, 1800 WaterMark Dr.
Columbus, Ohio 43266-0149
(614) 644-3020
FAX (614) 644-2329

George V. Voinovich
Governor

Hand
Copy

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~~FAD~~
CO

July 30, 1991

Re: **RMI Titanium Company**
Sodium Plant
OHD000810242/02-04-0584
Extrusion Plant
OHD980683544/02-04-0678

P.D. Weiskopf
RMI Titanium Company
Senior Vice President - Finance
and Administration, Treasurer
P.O. Box 269
1000 Warren Avenue
Niles, OH 44446

RECEIVED

AUG 28 1991

OFFICE OF RCRA
Waste Management Division
U.S. EPA, REGION V

Dear Mr. Weiskopf:

Financial Test documentation for the RMI Titanium Company, submitted on behalf of the RMI-Sodium Plant and RMI-Extrusion Plant reference above, was received by Ohio EPA on April 3, 1991.

This documentation was submitted for the facilities referenced above to meet the closure cost estimate financial assurance requirements for closure and liability coverage as set forth in Ohio Administrative Code (OAC) rules and the conditions of the Hazardous Waste Facility Installation and Operation Permit as Applicable.

The financial test is used to demonstrate financial assurance for closure and liability coverage as set forth in OAC rules 3745-55-42, 3745-55-43 and 3745-55-47 (State Permit Rules) for the Sodium Plant. The financial test is used to demonstrate financial assurance for closure and liability coverage as set forth in OAC rules 3745-66-42, 3745-66-43 and 3745-66-47 (State Interim Status Rules) for the Extrusion Plant. A Part B Hazardous waste installation and operation permit was issued to the RMI-Sodium Plant on June 9, 1988 (Permit # 02-04-0584) by the Ohio Hazardous Waste Facility Board, while the RMI-Extrusion plant is operating still under the interim status.

A review of the Financial Test documentation was conducted on July 18 1991. As a result of this review, Ohio EPA has determined that the RMI Company is in violation of Permit Condition B.27 and B.28, OAC rule 3745-55-43 and 3745-55-47 for the Sodium Plant, and OAC rule 3745-66-43 and 3745-66-47 for its Extrusion Plant, as the Chief Financial Officer's letter does not meet the wording requirements of OAC rule 3745-55-51(G). The revised rule has rendered the wording of your financial test instrument invalid. A copy of OAC rule 3745-55-51(G) is enclosed. (Note that the Ohio permit and/or application number should be listed for all facilities). Please resubmit the letter using this wording exactly.



P.D. Weiskopf
RMI Titanium Company
July 24, 1991
Page Two

In review of the cost estimates provided in the Financial Test for the above RMI facilities, the following is noted:

The cost estimate of \$3,280,300 for the Sodium Plant has been updated adequately to account for inflation as required by OAC rule 3745-55-42 (A) and Permit Condition B.26. It is not known, however, if the above estimate includes the costs associated with closure of the drum storage area. In order to confirm compliance with OAC rule 3745-55-42(B) and condition B.26 of the permit, please submit to me a copy of the detailed cost-estimate for RMI Sodium including a breakdown of the costs associated with each permitted unit at the facility i.e. waste pile, drum storage and thermal treatment. Cost associated with the activities for closure, such as removal and disposal of waste, decontamination efforts, certification, etc., shall also be identified. Upon receipt, this cost estimate will be further reviewed to determine compliance with cost-estimate requirements.

The cost estimate of \$63,300 for the RMI Extrusion Plant as included in the March 29, 1991 Financial Test has been updated to account for inflation as required by OAC rule 3745-66-42. It is requested that a detailed breakdown of this estimate outlining the costs associated with the specific steps to be taken during closure of the drum storage area be submitted to me. It is recommended that the financial assurance documentation provided in the Extrusion Plant Part B Permit Application be updated (as indicated from Tehmton Toorkey's 06/07/91 certified letter regarding -RMI Extrusion Notice of Deficiency TAL -to RMI's Environmental Engineer, James Steudler) to reflect the most current (1991) closure cost estimate.

Please submit the documentation requested above to me within thirty (30) days of the date of this letter to demonstrate abatement of these violations. If you have any questions, I may be reached at 644-2934.

Sincerely,

Tina Jennings

Tina Jennings
Hazardous Waste Enforcement Section
Division of Solid and Hazardous Waste Management

Sp.TJ.lcn

Attachments

cc: Laurie Stevenson, DSHM
Tehmton Toorkey, DSHM
Frank Popotnik, DSHM, NEDO
Ursula Schaler, DSHM, NEDO



State of Ohio Environmental Protection Agency

P.O. Box 1049, 1800 WaterMark Dr.
Columbus, Ohio 43266-0149
(614) 644-3020 Fax (614) 644-2329

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SEP 25 1990

Richard F. Celeste
Governor

OFFICE OF RCRA
Waste Management Division
U.S. EPA, REGION V

September 5, 1990

Re: RMI Company

Sodium Plant

OH000810242/02-04-0584

Extrusion Plant

OH0980683544/02-04-0678

Compliance

P. D. Weiskopf, Senior Vice President
Finance and Administration
RMI Company
P.O. Box 269
Niles, Ohio 44446

Dear P. D. Weiskopf:

I am in receipt of the 1990 Financial Test documentation for the RMI Company's Sodium and Extrusion Plants referenced above. This documentation was submitted to Ohio EPA for these facilities to demonstrate compliance with the financial assurance requirements for closure and liability coverage under Ohio Administrative Code (OAC) rules 3745-66-43 and 3745-66-47.

On August 15, 1990 I conducted a review of the documentation and found that it does not fully meet the wording requirements of OAC rule 3745-55-51(G), in violation of OAC rules 3745-66-43 and 3745-66-47.

I have enclosed a copy of wording to be used for the Chief Financial Officer's letter. Please resubmit the Chief Financial Officer's letter using this wording so that the RMI Company can come into compliance with OAC rules 3745-66-43 and 3745-66-47. In addition, copies of the 1990 Financial Test submittal, including the revised Chief Financial Officer's letter and the current closure cost estimates, must also be submitted to the RCRA Engineering Section for insertion into the facilities' Part B Permit and/or Application.

The RMI Company has submitted the March 9, 1990 Chief Financial Officer's letter marked "CONFIDENTIAL." Pursuant to OAC rules 3745-49-031 and 3745-50-30 requests for confidentiality must be accompanied by sufficient supporting documentation substantiating the confidentiality claim as a trade secret. For example, the supporting documentation should describe whether the information is "known only to certain individuals," whether it is being used to provide a product or service having commercial value, and the reasons such information gives the the company "an opportunity to obtain a business advantage over competitors who do not know or use it."

P.D. Weiskopf
September 5, 1990
Page Two

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SEP 8 1990

OFFICE OF RCRA

In addition, Ohio EPA requests that confidentiality claimants submit two copies of the record with the second copy "edited" or "sanitized" for public review. The edited document must delete only those portions that are trade secrets. The edited document will not be accepted by Ohio EPA if an entire page has been deleted when deletion of a single word or phrase would suffice. Similarly, if confidentiality is claimed for certain financial information, the "public copy" should have only that specific information deleted.

OAC rule 3745-49-031 establishes Agency procedure for responding to public records requests. A provision of this rule states that certain records subject to a pending unresolved claim that such records constitute "trade secrets" will not be disclosed until a determination whether such records are trade secrets is made. The determination will be made by Ohio EPA's Legal Section within forty-five days of the request to inspect the public records.

Therefore, if the RMI Company wishes Ohio EPA to maintain both a public and confidential financial assurance file for the company, then please submit information substantiating the confidentiality claim for the Chief Financial Officer's letter and two copies of the letter as described above. You may also wish to submit an edited version for insertion into the facilities' Part B Permit and/or Application.

Please submit the documentation requested above to Ohio EPA within thirty (30) days of the date of this letter. I may be reached at (614) 644-2944 if you have any questions.

Sincerely,

Carolyn J. Reiferson

Carolyn J. Reiferson
RCRA Enforcement Section
Division of Solid and Hazardous Waste Management

cc: Michael Savage, Manager, RCRA Enforcement Section
Mark Bergman, DSHWM, NEDO
R.L. Mason, RMI Company

Enclosure



State of Ohio Environmental Protection Agency

P.O. Box 1049, 1800 WaterMark Dr.
Columbus, Ohio 43266-0149

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FA 22 = 43 Class II; 47 OK

April 8, 1988

Re: RMI Company Sodium Plant
OHD000810242/02-04-0584
RMI Company Extrusion Plant
OHD980683544/02-04-0678

Richard F. Celeste
Governor

Joe T. Holman
Director - Environmental Affairs
RMI Company
P.O. Box 269
1000 Warren Avenue
Niles OH 44446

Dear Mr. Holman:

I have received the financial test for the above referenced facility submitted to demonstrate compliance with Ohio's rules governing financial responsibility for closure costs and liability.

During my review, I noted that the closure cost estimate for each of the facilities listed in the financial test had not been adjusted for inflation as required by Ohio Administrative Code (OAC) Rule 3745-66-42. Pursuant to OAC Rule 3745-66-42, the owner or operator shall adjust the closure cost estimate for inflation within 30 (thirty) days after each anniversary of the date on which the first closure cost estimate was prepared. The adjustment shall be made by using an inflation factor derived from the annual "Implicit Price Deflator for Gross National Product." The inflation factor can also be obtained by calling the U.S. EPA RCRA Hotline at 1-800-424-9346.

The remainder of the financial test assurance criteria adequately meets Ohio's financial requirements for closure costs and liability.

Therefore, Ohio EPA finds the above referenced facilities to be in compliance with financial responsibility rules for liability in accordance with OAC Rule 3745-66-47. Please submit the current closure cost estimates reflecting the required adjustment for inflation to my attention within 30 days from the date of this letter. Upon receipt of the aforementioned, determination of compliance can be made in regard to financial responsibility for closure costs. If you have any questions, please contact me at (614)481-7227.

Sincerely,

Susan McDowell
Susan McDowell
Surveillance & Enforcement Section
Division of Solid and Hazardous Waste Management

SM/drr/1829S(58)

cc: Dave Sholtis, CO
Craig Liska, USEPA, Region V
RF

Dave Wertz, NEDO
Central Files



State Of Ohio Environmental Protection Agency

P.O. Box 1049, 361 East Broad St., Columbus, Ohio 43216-1049
(614) 466-8565



Richard F. Celeste, Governor

September 24, 1986

RE: RMI Sodium
02-04-0584/OHD000810242

Paul D. Weiskopf
Vice President and Comptroller
RMI Company
P.O. Box 269
1000 Warren Avenue
Niles OH 44446

Dear Mr. Weiskopf:

I have received and reviewed the revised financial test dated September 17, 1986 submitted by RMI Company. That review reveals that RMI Company is in compliance with Ohio's rules requiring financial assurance documentation from hazardous waste facilities.

If you have any questions, please call me at (614) 462-8941.

Sincerely,

David Mentzer
S&E Section, DSHWM

DM/drr

1008S(24)

cc: Mike Savage, CO
Dave Wertz, NEDO
DM1
RF

RECEIVED

FEB 09 1987

SOLID WASTE BRANCH
U.S. EPA, REGION V



State Of Ohio Environmental Protection Agency

Box 1049, 361 East Broad St., Columbus, Ohio 43216-1049
(614) 466-8565



Richard F. Celeste, Governor

RE: RMI Co.
OHD 000810242

Mr. Paul D. Weiskopf
Vice President-Comptroller
RMI Company
P.O. Box 269
Niles, Ohio 44446

July 28, 1986

Dear Mr. Weiskopf:

I hereby acknowledge the receipt of a 1986 financial test demonstration update, prepared on behalf of the facility referenced above.

We are unable to complete our review of RMI Company's financial test submission, as some required items are missing. Until a complete financial test demonstration package is submitted, the facility referenced above is not in compliance with Ohio's financial responsibility rules for hazardous waste facilities. In order to be in compliance, RMI Company must submit or clarify the following:

- o The financial test letter does not use the correct wording as specified in Paragraph (G) of Rule 3745-55 of the Ohio Administrative Code. A copy of your letter showing the variances and a copy of the correct wording have been enclosed.

Please resubmit the required information in the correct form to my attention by August 29, 1986. If you have any questions, please contact me at (614) 462-6733.

Sincerely,

Edward A. Kitchen
Surveillance & Enforcement Section
Division of Solid & Hazardous
Waste Management

cc: Dave Sholtis, DSHWM
Joe T. Holman, RMI Co.
Dave Wertz, NEDO

Alternative II

1. Sum of current closure and post-closure cost estimates [total of all costs COST estimates shown in the four paragraphs above] \$ _____
 2. Current bond rating of most recent issuance of this firm and name of rating service _____
 3. Date of issuance of bond _____
 4. Date of maturity of bond _____
 - *5. Tangible net worth [if any portion of the closure and post-closure cost estimates is included in "total liabilities" on your firm's financial statements, you may add the amount of that portion to this line] \$ _____
 - *6. Total assets in U.S. (required only if less than 90% of firm's assets are located in the U.S.) \$ _____
- Yes No
7. Is line 5 at least \$10 million?
 8. Is line 5 at least 6 times line 1?
 - *9. Are at least 90% of firm's assets located in the U.S.? If not, complete line 10.
 10. Is line 6 at least 6 times line 1?

I hereby certify that the wording of this letter is identical to the wording specified in paragraph (F) of rule 3745-55-51 of the Administrative Code as such regulations were constituted on the date shown immediately below.

[Signature]
 [Name]
 [Title]
 [Date]

- (G) A letter from the chief financial officer, as specified in Chapters 3745-55 and 3745-66 of the Administrative Code, must be worded as follows, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted:

"Letter from chief financial officer (to demonstrate liability coverage or to demonstrate both liability coverage and assurance of closure or post-closure care).

[Address to Director, Ohio Environmental Protection Agency.]

I am the chief financial officer of [owner's or operator's name and address]. This letter is in support of the use of the financial test to demonstrate financial responsibility for liability coverage [insert "and closure and/or post-closure care" if applicable] as specified in chapters 3745-55 and 3745-66 of the Administrative Code.

[Fill out the following paragraph regarding facilities and liability coverage. For each facility, include its EPA identification number, Ohio permit number, name, and address.]

The owner or operator identified above is the owner or operator of the following facilities for which liability coverage is being demonstrated through the financial test specified in chapters 3745-55 and 3745-66 of the Administrative Code:

[If you are using the financial test to demonstrate coverage of both liability and closure and post-closure care, fill in the following four paragraphs regarding facilities and associated closure and post-closure cost estimates. If there are no facilities that belong in a particular paragraph, write "none" in the space indicated. For each facility, include its EPA identification number, name, address, Ohio permit number and current closure and/or post-closure cost estimates. Identify each cost estimate as to whether it is for closure or post-closure care.]

1. The owner or operator identified above owns or operates the following facilities for which financial assurance for closure or post-closure care is demonstrated through the financial test specified in chapters 3745-55 or 3745-66 of the Administrative Code. The current closure and/or post-closure cost estimates covered by the test are shown for each facility:
2. The owner or operator identified above guarantees, through the corporate guarantee specified in chapters 3745-55 and 3745-66 of the Administrative Code, the closure and post-closure care of the following facilities owned or operated by its subsidiaries. The current cost estimates for the closure or post-closure care so guaranteed are shown for each facility:
3. IN STATES WHERE U.S. EPA OR A STATE SO AUTHORIZED IS ADMINISTERING THE FINANCIAL REQUIREMENTS OF SUBPART H OF 40 CFR PARTS 264 OR 265, THIS OWNER OR OPERATOR IS DEMONSTRATING FINANCIAL ASSURANCE FOR THE CLOSURE OR POST-CLOSURE CARE OF THE FOLLOWING FACILITIES THROUGH THE USE OF A TEST EQUIVALENT OR SUBSTANTIALLY EQUIVALENT TO THE FINANCIAL TEST SPECIFIED IN CHAPTERS 3745-55 AND 3745-66 OF THE ADMINISTRATIVE CODE. THE CURRENT CLOSURE AND/OR POST-CLOSURE COST ESTIMATES COVERED BY SUCH A TEST ARE SHOWN FOR EACH FACILITY:
- 3.4. The owner or operator identified above owns or operates the following hazardous waste management facilities for which financial assurance for closure or, if a disposal facility, post-closure care, is not demonstrated TO the director through the financial test or any other financial assurance mechanism specified in Chapters 3745-55 or 3745-66 of the Administrative Code. The current closure and/or post-closure cost estimates not covered by such financial assurance are shown for each facility:

This owner or operator [insert "is required" or "is not required"] to file a Form 10K with the securities and exchange commission (SEC) for the latest fiscal year.

The fiscal year of this owner or operator ends on [month, day]. The figures for the following items marked with an asterisk are derived from this owner's or operator's independently audited, year-end financial statements for the latest completed fiscal year, ended [date].